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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,856	04/12/2001	Adam D. Sah	004055.P008	5570

26874 7590 12/23/2004

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EXAMINER	
CZEKAJ, DAVID J	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/834,856	SAH, ADAM D.	
	Examiner	Art Unit	
	Dave Czekaj	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-28 and 30-42* is/are rejected.

7)☒ Claim(s) *29* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9-23-04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 22-42 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 22, 24-28, 30-40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atick et al. (6111517), (hereinafter referred to as "Atick").

Regarding claims 22, 31-32, 39, and 42 Atick discloses an apparatus that relates to employing real-time face recognition to regulate access to computers (Atick: column 1, lines 15-17). This apparatus comprises "sending the image to the user's system" (Atick: column 6, lines 1-8, wherein the image is the facial representations, the user's system is the computer), "refreshing the image periodically" (Atick: column 7, lines 56-67, wherein the refreshing is the continuous monitoring and sending of the image to the system), "determining whether to degrade the image comprises whether the user is active or inactive" (Atick: figure 5, column 5, lines 38-42, wherein the period of activity or inactivity is whether or not a user is present), "degrading the image in response to a determination that the user is inactive" (Atick: figure 5, wherein the degrading is

launching the screen saver application), and "sending the degraded image to the user's system" (Atick: figure 1, wherein the user's system is the computer). Although Atick fails to disclose the term "degrade" as claimed, Atick does disclose a type of degrading in the launching of the screen saver. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement degrading in order to obtain an apparatus that operates more efficiently by reducing the bandwidth needed to transmit video/images over a network.

Regarding claim 24, Atick discloses "degrading the image comprises decreasing resolution of the image" (Atick: column 8, lines 35-39, wherein decreasing the resolution is the blank screen initiated by the screen saver).

Regarding claim 25, Atick discloses "determining whether the user is active comprises determining whether a certain period of time has elapsed" (Atick: column 8, lines 34-40, wherein the period of time is the period of inactivity).

Regarding claims 26-27, Atick discloses "the time begins when the image was last refreshed and sent to the user's system" (Atick: column 7, lines 56-67, wherein the refreshing is the continuous monitoring and sending of the image to the user's system or computer).

Regarding claim 28, Atick discloses "the time is measured with a timer or counter" (Atick: column 7, lines 60-67, wherein the timers or counters is the CPU).

Regarding claim 30, Atick discloses "determining whether the user is using the user's system" (Atick: column 5, lines 38-41, wherein using the system is sitting down or being within the field of view of the computer).

Regarding claims 33 and 40, Atick discloses "increasing the quality of the degraded image upon a determination that the user is active" (Atick: figures 5-8, column 8, lines 38-40, wherein the increased image quality is the termination of the screen saver and return to the not-tracking mode).

Regarding claim 34, Atick discloses "the step of refreshing is performed more frequently than step of determining whether to degrade" (Atick: figure 5, wherein if activity is present the image is sent a certain number of times to the computer, than no determination to degrade has happened thus making it less often).

Regarding claim 35, Atick discloses "determining whether to degrade occurs concurrently with a refresh cycle" (Atick: figures 3 and 5, wherein the degrading is the launching of the screen saver, the refresh cycle is the continual sending of the image to the computer).

Regarding claim 36, Atick discloses "the degraded image is sent to the user's system upon refresh" (Atick: column 7, lines 56-67, wherein the refreshing is the continuous monitoring and sending of the image to the system).

Regarding claim 37, Atick discloses "receiving a user request to increase the quality of the degraded image" (Atick: column 5, lines 38-41, wherein the

user request is sitting down or placing the user within the field of view of the computer).

Regarding claim 38, note the examiners rejections for claims 22 and 25.

4. Claims 23 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atick et al. (6111517), (hereinafter referred to as "Atick") in view of Sankaranarayan et al (6799208), (hereinafter referred to as "Sankaranarayan").

Regarding claim 23, note the examiners rejection for claim 22, and in addition, claim 23 differs from claim 22 in that claim 23 further requires the degrading to reduce the size of the image. Sankaranarayan teaches that fallback can occur when displaying between systems having different resources (Sankaranarayan: column 17, lines 51-64). To help alleviate this problem, Sankaranarayan discloses "reducing the size of the image" (Sankaranarayan: column 17, lines 62-64, column 18, lines 1-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Atick and add the reduced size image taught by Sankaranarayan in order to obtain an apparatus that operates more efficiently by avoiding a fallback condition.

Regarding claim 41, Sankaranarayan discloses "the network is the internet" (Sankaranarayan: column 6, lines 50-52).

Allowable Subject Matter

5. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (703) 305-3418. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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